I. Introduction

Mr. President, fellow panelists, members of the Essex County Bar Association:

During the time allotted to me, I will be discussing, for the most part, an aspect of the summer's disturbances which has a very different focus from that to which the other speakers tonight are directing themselves. Director Spina was charged with the responsibility of restoring order in the City. Mr. Byrne must prosecute those charged with creating or exploiting the disorders. Mr. Murray must defend those who are accused of these criminal offenses. They must necessarily concentrate on violations of the law.

The fact of the matter is that a vast majority of the people in the disrupted area was not violating the law. During the emergency most of the people -- mothers, fathers, small children, the very old -- were simply trying to survive and to carry on with their lives. These are the people for whom The Newark Legal Services Project is primarily responsible.

During the actual period of the emergency, the Project was asked to lend assistance to the Public Defender's Office and the Courts on behalf of persons under arrest. I will describe that work briefly in a moment, but our primary job was and always has been to provide legal assistance in fields other than the criminal law to the poor of the City of Newark, including those living in the area where the disorders took place, which is now generally called the ghetto.

Those of us who live outside of the affected area may have felt the chill of fear as we contemplated that the violence might spread and as we observed our social structure being torn apart, but the real victims were the countless innocent persons living in the area. When food and milk for the children ran out, they were the ones who were hungry. When medical care was unavailable, they suffered. They were the persons who during those days were unable to get to their jobs, who were cut off from the rest of society. If the fires had gotten out of control, they were the persons who would have been left homeless or who would have been burned to death. They are the people who were wounded or killed by stray rifle fire.

These were our clients, and during the period of the disorders, the Newark Legal Services Project remained one of the few continuing links between the vast, suffering community trapped in the ghetto and the authorities and institutions of the State.

II. Structure and Operation of NLSP

In order to understand why NLSP was able to fill the role which fell upon it last summer, one must be aware of its structure and method of operations.

In March of 1966 our Administrator, Mr. Lofton, and his Assistant, Mrs. Sheppard, started from scratch. During the next year, while serving the hundreds of clients who began pouring in upon them, they assembled a staff of young, dedicated attorneys who undertook to devote their full professional time to the legal problems of the poor.

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They opened seven offices. Six of these are neighborhood offices, located where the poor live. Three of the neighborhood offices are in the area torn by the summer's disturbances.

In addition to a full time staff, many Essex County attorneys have formed a corps of volunteers to assist the Project. The Seton Hall and Rutgers Law School Legal Aid Societies have undertaken to handle certain kinds of cases. During the summers, law students from all over the country and from many different law schools joined NLSP's staff.

By the end of last August, 5,200 individual cases had come into these offices, and new cases are coming in at the rate of 300 or 400 a month, involving the vast range of legal problems which affect the poor. I think it is fair to say that, for the first time, the remedies and the protection of the civil law have been made available on a wide scale to the poor of this City.

The attorneys representing NLSP's clients have acted as advocates in pursuing their clients' interests, whether dealing with a business, an administrative agency, a governmental unit or the Courts. Unauthorized evictions have been prevented; illegal judgments and attachments have been set aside; adoptions of children have been made possible; jobs have been saved. Upon occasion, the preponderant merits of a case have not favored our client, and settlements have been effected. A fair hearing procedure has been worked out with the County Welfare Board. I could go on, but this should serve to suggest the effect in the poverty community of an agency which represents it.

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In the course of their work, the Project's attorneys have won the confidence of the community they serve. The community came to believe, with justification, that these attorneys would stand up for their legal rights, regardless of how politically or financially powerful the opposition might be.

In this way, when the disorders began, NLSP was in a position to fill a role which few others could perform -- it could continue as a trusted line of communication between the vast numbers of law-abiding people living in the ghetto and the legal and administrative institutions of the state.

III. NLSP's Functions During the Disturbances

A chronological recital of the events should serve to show how this role was filled.

As most of you know, the first episode of serious disorder occurred at and around Newark's Fourth Precinct during the evening of Wednesday, July 12th, after the arrest of the now-famous cab driver, Mr. Smith. As is often the case, when a serious community crisis arises, Mr. Lofton and other Negro leaders were called in. They sought to calm the crowd at the Precinct, and as a part of that effort, Mr. Lofton undertook to represent Mr. Smith. His assurances to the crowd that full legal protection would be afforded to Mr. Smith were undoubtedly helpful in preventing full-scale disorders from breaking out that evening. This is an example of one of the few situations where an NLSP attorney undertakes to handle a criminal case.

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The next day, Thursday, was one of mounting tension in the City. Full-scale disorder broke out on Thursday night, resulting in the call for the State Police and the National Guard.

On Friday morning, NLSP closed its neighborhood offices and brought its full staff of attorneys and its eighteen full-time summer students into its central office on Branford Place. That office was located across the street from the front line of troops and military vehicles which cordoned off the Central Ward. It remained a place where people from the ghetto could come for help, which they did in vast numbers.

Mr. Lofton was working with the leaders of the Negro community. Mrs. Sheppard cut short her vacation to take over the management of the Project's work.

The Newark Magistrate's Court was being deluged with persons under arrest who required legal representation. At the request of the State authorities, NLSP made all of its attorneys available to assist the Public Defender in the Magistrate's Court. In addition, many of NLSP's volunteer attorneys agreed to come in and help. Working days and on into the night Friday and during the weekend, NLSP's staff and volunteer attorneys helped process these cases.

At the headquarters, the Project was deluged with telephone calls concerning missing relatives, and an information system was devised.

On Friday night Governor Hughes asked Mr. Lofton to become the official liaison between his office at the State Police Command Post

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and the people in the ghetto area, a role which he filled until the end of the emergency, working night and day.

Saturday's activities were more of the same for NLSP's attorneys and volunteers -- assiting the Public Defender in the Newark Magistrate's Court. The disturbances seemed to be easing. On Saturday afternoon, reports began coming into NLSP's headquarters of developing problems in the Central Ward -- sanitation problems, shortage of food and milk, medical shortages. Through Mr. Lofton, this information was forwarded to the State authorities.

On Sunday a very serious crisis arose. Throughout the day we were deluged with reports that during the early morning hours on many streets in the disturbed area law enforcement officers, primarily State Troopers according to the reports, deliberately broke the windows and shot up many Negro-owned stores which had survived the disorders. It was reported to us, for example, that on West Market Street, none of the stores had suffered any serious damage at all during the disorders, but that in the early hours of Sunday morning, persons firing from State Police cars shattered the windows of all stores on which the slogan "Soul Brother" or "Soul Sister" appeared. A few white owners who used this legend lost their windows in the process.

In addition, there were reports of wild, indiscriminate shooting which was causing needless deaths and injuries among innocent victims.

Similar reports flooded local churches that morning, and we were faced with a community outraged by these events. Tension which

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had seemed to have been dying down flared violently, affecting now the middle class Negro community.

We urged the people and the groups who brought us these reports not to take the law into their own hands or to retaliate in any way. We assured them that if they gave us all of the facts, we would bend every effort to obtain relief for them through judicial and administrative agencies.

Here I shall digress briefly, departing from a chronological recital of NLSP's work to touch upon this problem which we cannot evade -- the problem of what you do about charges that law enforcement personnel have themselves violated the law.

No rational person would minimize the necessity for decisive utilization of force to terminate disorders such as occurred last summer. Nor would any fair minded person minimize the difficulties, the unpleasantness and the dangers to which law enforcement personnel are subjected. They did not create the social situation into which the rest of society projects them in times of crisis. Among their ranks, too, there are innocent victims and families left fatherless.

But if we really believe in the law and if we really seek to preserve law and order, I do not see how we can ignore charges of unlawful conduct on the part of law enforcement personnel. Just as we cannot condone looting and disorder because of social conditions, so also we cannot condone illegal behavior by law enforcement personnel because of the terrible conditions under which they must work. It is not an attack on the principle of law and order to insist that everyone, without exception, act within the limits of the law.

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In any event, individuals and groups in the ghetto have brought to NLSP's offices complaints against law enforcement personnel. We were overwhelmed with such reports for a two or three week period after the Sunday when the Negro store windows were broken. In each case the facts were taken down and written up in affidavit form. At a later date the person making the statement was asked to review it, correct it if necessary and then swear to its truth.

In view of the seriousness of the problem, I personally reviewed a copy of every such statement. There are now about 275 of them, although not all have yet been signed. These people came to us with this problem, which is very immediate and very real. Let me emphasize that the vast majority were people who are not charged with any crime whatsoever. A number of them are Catholic priests or Protestant ministers whose churches are in the ghetto.

Twenty-nine of the statements describe gross personal indignities (without physical violence) which are claimed to have been inflicted upon Negroes.

Fifty-seven describe physical violence upon the person of Negroes, which the person giving the statement asserted was suffered by him or observed by him.

One hundred and four statements describe indiscriminate shooting, in the air, at apartment buildings or into or near crowds, some of which resulted in the wounding or killing of innocent people on the street or in their homes. Many of this category of statements, I should note, refer to the same incidents.

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Ninety-six statements describe the destruction of Negro property of which eighty-four involved business properties.

All of this material has been reviewed and analyzed. The various legal remedies available have been studied both by our staff attorneys and by numerous outside volunteer attorneys whose advice we sought. The entire problem was reviewed with our board of trustees. We are seeking remedies in various forums. Where identifiable individuals are involved, we have referred the matter to the F.B.I., the United States Attorney or the Prosecutor's Office. Where individuals appear to have suffered a civil wrong, we have suggested that they retain independent counsel to pursue their civil remedies. We have joined with others in seeking equitable relief in a civil proceedings in the United States District Court. Our data has been systematized and is being made available both to the Governor's Commission on Civil Disorders and the President's Commission.

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One very disturbing element of this problem is the failure of the community generally to come to grips with it, because what happens at this level of our system of justice is going to affect the system from top to bottom. Granted the subject is fraught with emotional feelings and touches terribly sensitive areas, but it is so important every level of government and every segment of the community, in particular, the Bar, has a vital interest.

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to be particularly inappropriate.

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Turning back to the chronology of NLSP's actions during the disturbances: After receiving the reports of destruction of Negro business properties and of other abuses on Sunday, July 16th, I joined with Malcolm Talbott of Rutgers and various church leaders in calling a meeting at the Robert Treat Hotel on Sunday evening. About 75 white labor, business and church leaders met, heard first hand accounts of what was happening and sent a delegation to the Governor's headquarters in the Armory to bring it to his attention and to try to convey a sense of the seriousness of these developments. The problems were eased when the State Police and the National Guard were withdrawn the following day.

On Monday and for the balance of the week after the disturbances, NLSP, at the request of the Court and the Public Defender, assigned its 18 law students and some of its attorneys to interviewing prisoners at the Armory, Caldwell Penitentiary and the Newark Street Jail, where crowded, unsanitary conditions were creating a dangerous situation. In addition, law students and attorneys volunteered to help, and in a matter of days more than 700 interviews were conducted. This gave the Courts the information needed to release hundreds of persons being held on minor offenses.

The release program was so successful that an NLSP attorney, Paul Lawless, was requested to and did supervise similar programs in Elizabeth and Jersey City.

On Tuesday after the disturbances, NLSP started reopening its

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neighborhood offices to handle the multitude of problems which the people of the stricken area brought into the offices. The events of the previous week served only to compound the terrible difficulties which affected these people, and we picked up again with the job of providing legal representation in the civil law field to the poor in the City of Newark.

I think we should be very grateful to Mr. Lofton, Mrs. Sheppard, their staff attorneys and to the volunteer attorneys and students working with them. They provided a pool of attorneys and law students who were available to the Public Defender and the Courts until the State and County Bar Associations were able to recruit volunteers from the Bar generally. Even more important, through their efforts there was and is a continuing link between the people of the ghetto and the rest of the community. By their continued forceful representation of the poor, they are offering an alternative to resolving grievances in the streets.

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